

DRAFT
Rulemaking Hearing Rules
Board of Nursing
Division of Health Related Boards
Chapter 1000-1
Rules and Regulations of Registered Nurses
Chapter 1000-2
Rules and Regulations of Licensed Practical Nurses

Amendments

Rule 1000-1-.11, Definitions is amended by adding the following language as new paragraph (6) and renumbering the remaining paragraphs accordingly:

- (6) Continued Competence: Means the application of integrated nursing knowledge and the interpersonal, decision-making, psychomotor, communication, and leadership skills expected for the nursing practice role pursuant to T.C.A. § 63-7-103, within the context of the public health, safety, and welfare.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-101, 63-7-103, and 63-7-207.

Rule 1000-1-.14, Standards of Nursing Competence, is amended by adding the following introductory sentences and is further amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, so that as amended, the new introductory sentences and the new paragraphs (1), (2), and (3) shall read:

1000-1-.14 Standards of Nursing Competence. The Board requires all nurses to document evidence of competence in their current practice role. The Board believes that the individual nurse is responsible for maintaining and demonstrating competence in the practice role whether the recipient of the nursing intervention is the individual, family, community, nursing staff, nursing student body, or other.

- (1) Standards of Nursing Practice for the Registered Nurse
 - (a) Standards Related to the Registered Nurse's Responsibility to Implement the Nursing Process - The Registered Nurse shall:
 - 1. Conduct and document nursing assessments of individuals and groups by:
 - (i) collecting objective and subjective data in an accurate and timely manner.
 - (ii) accurately sorting, selecting, reporting and recording the data.

- (iii) validating, refining and modifying the data by utilizing available resources including interactions with the client, family, significant others, and health team members.
 - 2. Establish critical paths and teaching plans based on individual patient's plans of care after prioritizing need upon completion of a comprehensive assessment.
 - 3. Develop the plan of care/action based on a comprehensive assessment, desired outcomes, and current knowledge.
 - 4. Safely implement the plan of care/action either directly or by delegation.
 - 5. Establish and maintain a therapeutic nurse/client relationship.
 - 6. Seek resources for patients/clients with cultural, physical or language barriers.
 - 7. Use appropriate teaching skill for individual or group teaching.
 - 8. Evaluate the responses of individuals or groups to nursing interventions and revise the plan of care where appropriate. Evaluation shall involve the client, family, significant others and health team members.
 - 9. Communicate accurately in writing and orally with recipients of nursing care and other professionals.
- (b) Standards Related to the Registered Nurse's Responsibilities as a Member of the Nursing Profession - The Registered Nurse shall:
- 1. Integrate knowledge of the statutes and regulations governing nursing and function within the legal and ethical boundaries of nursing practice.
 - 2. Demonstrate personal responsibility for currency of practice and individual nursing actions.
 - 3. Identify practice abilities and limitations and obtain instruction and supervision as necessary when implementing essential functions of the practice role.

4. Consult with nurses and other health team members and make referrals as necessary.
 5. Report unsafe practice and unsafe practice conditions to recognized legal authorities and to the Board where appropriate.
 6. Delegate to another only those nursing measures which that person is prepared or qualified to perform.
 7. Supervise others to whom nursing activities are delegated.
 8. Retain professional accountability for nursing care when delegating nursing interventions.
 9. Conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin, language, handicap or disease.
 10. Demonstrate a respect for the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problems.
 11. Protect confidential information unless obligated by law to disclose such information.
 12. Demonstrate respect for the property of clients, family, significant others and the employer.
 13. Participate in activities designed to improve health care delivery in any setting.
 14. Exhibit ethical behavior.
- (2) Requirement Standards for Nurses Inactive in Nursing for More Than Five (5) Years – Prior to January 1, 2004, a licensee or an applicant for licensure by endorsement who has not been engaged in the practice of nursing for five (5) years shall submit an application and evidence of nursing competence with documentation in one (1) of the following areas:
- (a) Completion of a two (2) week Board-approved nursing refresher program.
 - (b) Completion of a two (2) week Board-approved comprehensive orientation program offered by a prospective nursing employer.
 - (c) Enrollment in a program leading to licensure as a Registered Nurse or to an

advanced degree in nursing.

1. The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
2. An official transcript verifying the completion of nursing courses shall be submitted with the renewal, reactivation, or endorsement application.

(d) Current certification in an appropriate nursing specialty area.

(3) Notwithstanding paragraph (2) of this rule, and because of the biennial renewal of licenses required by T.C.A. § 63-7-114, on January 1, 2002 the Board shall begin to notify applicants for renewal of continued competence requirements as provided in T.C.A. § 63-7-207 (16). Beginning January 1, 2004 all applicants for licensure, renewal of license, reactivation of license, or reinstatement of license must demonstrate competency.

(a) For new licensees, successfully completing the requirements of Rule .01 or .02, as applicable, shall be considered proof of sufficient competence to constitute compliance with this rule.

(b) Registered Nurses who are practicing full or part-time, attesting to having practiced nursing during the past five (5) years and attesting to maintaining a personal file documenting professional competence shall be considered proof of sufficient competence to constitute compliance with this rule. Such personal file shall include evidence of continued competency in the work setting which shall consist of at least two (2) of the following parts:

1. Having had a satisfactory employer evaluation.
2. Having had a satisfactory peer evaluation
3. Having a satisfactory patient/client relationship.
4. Having a contract renewal, re-appointment, or continuing contract.
5. Having completed a written self-evaluation based on the standards in paragraph (1).
6. Having earned, during the most recent biennial renewal period, initial or continuing certification from a nationally recognized certification body appropriate to practice.

7. Having identified two (2) or more areas of interest or goals and subsequently having developed, implemented and evaluated, during the most recent biennial renewal period, a plan to demonstrate competency for these areas of interest or goals based on the standards in paragraph (1).
8. Having performed activities including, but not limited to:
 - (i) Satisfactory volunteer work in a position using nursing knowledge, skills, and abilities. Examples are:
 - (I) The Red Cross.
 - (II) Homeless clinics.
 - (III) Parish nursing.
 - (ii) Service relevant to nursing on local, state, or national boards, commissions, foundations, or agencies.
9. Having participated in the education of students in a program leading to licensure as a Registered Nurse or to an advanced degree in nursing.
10. Having successfully completed five (5) contact hours of continuing education.
11. Having had an article published relevant to nursing.
12. Having successfully completed a two (2) week nursing refresher program.
13. Having successfully completed a two (2) week comprehensive orientation program offered by a prospective nursing employer.
14. Having enrolled in an approved/accredited nursing program leading to licensure as a Registered Nurse or to an advanced degree in nursing.
 - (i) The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 - (ii) An official transcript verifying the completion of nursing courses shall be maintained.

15. Having retaken and successfully completed the examination required in Rule .01 of this chapter.
- (c) Registered Nurses who wish to maintain an active license who are not practicing full-time, part-time, or self employed, attesting to any of the following activities which require the expertise of the Registered Nurse shall be considered proof of sufficient competence to constitute compliance with this rule.
1. Having performed Board-approved activities including, but not limited to:
 - (i) Satisfactory volunteer work in a position using nursing knowledge, skills, and abilities. Examples are:
 - (I) The Red Cross.
 - (II) Homeless clinics.
 - (III) Parish nursing.
 - (ii) Service relevant to nursing on local, state, or national boards, commissions, foundations, or agencies.
 2. Having participated in the education of students in a program leading to licensure as a Registered Nurse or to an advanced degree in nursing.
 3. Having successfully completed five (5) contact hours of continuing education for each year of inactivity.
 4. Having had an article published during the period of inactivity in a professional journal acceptable to the Board.
 5. Having successfully completed a two (2) week Board-approved nursing refresher program.
 6. Having successfully completed a two (2) week Board-approved comprehensive orientation program offered by a prospective nursing employer.
 7. Having enrolled in an approved/accredited nursing program leading to licensure as a Registered Nurse or to an advanced degree in nursing.

- (i) The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 - (ii) An official transcript verifying the completion of nursing courses shall be submitted with the renewal, reactivation, or endorsement application.
- 8. Having retaken and successfully completed the examination required in Rule .01 of this chapter.
- (d) Registered Nurses who have not practiced for more than five (5) years shall submit the appropriate application and one (1) of the following as evidence of continued nursing competence:
 - 1. Proof of successful completion of five (5) contact hours of continuing education for each year of inactivity.
 - 2. Proof of having had an article published during the period of inactivity in a professional journal acceptable to the Board.
 - 3. Proof of successful completion of a two (2) week Board-approved nursing refresher program.
 - 4. Proof of successful completion of a two (2) week Board-approved comprehensive orientation program offered by a prospective nursing employer.
 - 5. Proof of enrollment in an approved/accredited nursing program leading to licensure as a Registered Nurse or to an advanced degree in nursing.
 - (i) The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 - (ii) An official transcript verifying the completion of nursing courses shall be submitted with the renewal, reactivation, or endorsement application.
 - 6. Proof of current certification in an appropriate nursing specialty area.

7. Proof of retaking and successfully completing the examination required in Rule .01 of this chapter.

(e) Documentation of compliance

1. Each licensee must retain documentation of completion of all continued competence requirements of this rule for a period of four (4) years from when the requirements were completed. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
2. The licensee must, within thirty (30) days of a request from the Board, provide evidence of continued competence activities.
3. Any licensee who fails to complete the continued competence activities or who falsely certifies completion of continued competence activities may be subject to disciplinary action pursuant to T.C.A. §§ 63—7—115, 63—7—116, 63—7—120, and 63—7—207.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-101, 63-7-114, 63-7-115, 63-7-116, 63-7-120, and 63-7-207.

Rule 1000-2-.11, Definitions is amended by adding the following language as new paragraph (6) and renumbering the remaining paragraphs accordingly:

- (6) Continued Competence: Means the application of selected nursing knowledge and the interpersonal, psychomotor, and communication skills expected for the nursing practice role pursuant to T.C.A. § 63-7-108, within the context of the public health, safety, and welfare.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-101, 63-7-108, and 63-7-207.

Rule 1000-2-.14, Standards of Nursing Competence, is amended by adding the following introductory sentences and is further amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, so that as amended, the new introductory sentences and the new paragraphs (1), (2), and (3) shall read:

1000-2-.14 Standards of Nursing Competence. The Board requires all nurses to document evidence of competence in their current practice role. The Board believes that the individual nurse is responsible for maintaining and demonstrating competence in the practice role whether the recipient of the nursing intervention is the individual, family, community, nursing staff, nursing student body, or other.

- (1) Standards of Nursing Practice for the Licensed Practical Nurse.

- (a) Standards Related to the Licensed Practical Nurse's Contribution to and Responsibility for the Nursing Process - The Licensed Practical Nurse shall:
 - 1. Contribute to the nursing assessment by collecting, reporting and recording objective and subjective data in an accurate and timely manner.
 - 2. Participate in the development of the plan of care/action in consultation with a Registered Nurse.
 - 3. Participate in the assisting and giving of safe direct care.
 - 4. Participate in establishing and maintaining a therapeutic nurse/client relationship.
 - 5. Seek resources for patients/clients with cultural, physical or language barriers.
 - 6. Contribute to the evaluation of the responses of individuals or groups to nursing interventions and participate in revising the plan of care where appropriate.
 - 7. Communicate accurately in writing and orally with recipients of nursing and other professionals.
- (b) Standards Relating to the Licensed Practical Nurse's Responsibilities as a Member of the Health Team - The Licensed Practical Nurse shall:
 - 1. Integrate knowledge of the statutes and regulations governing nursing and function within the legal and ethical boundaries of practical nursing practice.
 - 2. Demonstrate personal responsibility for individual nursing actions and currency of competence.
 - 3. Consult with Registered Nurses and/or other health team members and seek guidance as necessary.
 - 4. Identify practice abilities and limitations and obtain instruction and supervision as necessary when implementing essential functions of the practice role.

5. Report unsafe practice and unsafe practice conditions to recognized legal authorities and to the Board where appropriate.
 6. Conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin, language, handicap, or disease.
 7. Demonstrate respect for the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problems.
 8. Protect confidential information, unless obligated by law to disclose such information.
 9. Demonstrate respect for the property of clients, family, significant others, and the employer.
 10. Participate in activities designed to improve health care delivery in any setting.
 11. Exhibit ethical behavior.
- (2) Requirement Standards for Nurses Inactive in Nursing for More Than Five (5) Years – Prior to January 1, 2004, a licensee or an applicant for licensure by endorsement who has not been engaged in the practice of nursing for five (5) years shall submit an application and evidence of nursing competence with documentation in one (1) of the following areas:
- (a) Completion of a two (2) week Board-approved nursing refresher program.
 - (b) Completion of a two (2) week Board-approved comprehensive orientation program offered by a prospective nursing employer.
 - (c) Enrollment in a program leading to licensure as a Registered or Practical Nurse or to an advanced degree in nursing.
 1. The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 2. An official transcript verifying the completion of nursing courses shall be submitted with the renewal, reactivation, or endorsement application.
 - (d) Current certification in an appropriate nursing specialty area.

- (3) Notwithstanding paragraph (2) of this rule, and because of the biennial renewal of licenses required by T.C.A. § 63-7-114, on January 1, 2002 the Board shall begin to notify applicants for renewal of continued competence requirements as provided in T.C.A. § 63-7-207 (16). Beginning January 1, 2004 all applicants for licensure, renewal of license, reactivation of license, or reinstatement of license must demonstrate competency.
- (a) For new licensees, successfully completing the requirements of Rule .01 or .02, as applicable, shall be considered proof of sufficient competence to constitute compliance with this rule.
- (b) Practical Nurses who are practicing full or part time, attesting to having practiced nursing during the past five (5) years and attesting to maintaining a personal file documenting professional competence shall be considered proof of sufficient competence to constitute compliance with this rule. Such personal file shall include evidence of continued competency in the work setting which shall consist of at least two (2) of the following parts:
1. Having had a satisfactory employer evaluation.
 2. Having had a satisfactory peer evaluation
 3. Having a satisfactory patient/client relationship.
 4. Having a contract renewal, re-appointment, or continuing contract.
 5. Having completed a written self-evaluation based on the standards in paragraph (1).
 6. Having earned, during the most recent biennial renewal period, initial or continuing certification from a nationally recognized certification body appropriate to practice.
 7. Having identified two (2) or more areas of interest or goals and subsequently having developed, implemented and evaluated, during the most recent biennial renewal period, a plan to demonstrate competency for these areas of interest or goals based on the standards in paragraph (1).
 8. Having performed activities including, but not limited to:
 - (i) Satisfactory volunteer work in a position using nursing knowledge, skills, and abilities. Examples are:
 - (I) The Red Cross.

- (II) Homeless clinics.
 - (III) Parish nursing.
 - (ii) Service relevant to nursing on local, state, or national boards, commissions, foundations.
 - 9. Having successfully completed five (5) contact hours of continuing education.
 - 10. Having had an article published relevant to nursing.
 - 11. Having successfully completed a two (2) week nursing refresher program.
 - 12. Having successfully completed a two (2) week comprehensive orientation program offered by a prospective nursing employer.
 - 13. Having enrolled in an approved/accredited program leading to licensure as a Registered or Practical Nurse or to an advanced degree in nursing.
 - (i) The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 - (ii) An official transcript verifying the completion of nursing courses shall be maintained.
 - 14. Having retaken and successfully completed the examination required in Rule .01 of this chapter.
- (c) Practical Nurses who wish to maintain an active license who are not practicing full-time, part-time, or self employed, attesting to any of the following activities which require the expertise of the Practical Nurse shall be considered proof of sufficient competence to constitute compliance with this rule.
- 1. Having performed Board-approved activities including, but not limited to:
 - (i) Satisfactory volunteer work in a position using nursing knowledge, skills, and abilities. Examples are:

- (I) The Red Cross.
 - (II) Homeless clinics.
 - (III) Parish nursing.
 - (ii) Service relevant to nursing on local, state, or national boards, commissions, foundations.
2. Having successfully completed five (5) contact hours of continuing education for each year of inactivity.
 3. Having had an article published during the period of inactivity in a professional journal acceptable to the Board.
 4. Having successfully completed a two (2) week Board-approved nursing refresher program.
 5. Having successfully completed a two (2) week Board-approved comprehensive orientation program offered by a prospective nursing employer.
 6. Having enrolled in an approved/accredited program leading to licensure as a Registered or Practical Nurse or to an advanced degree in nursing.
 - (i) The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 - (ii) An official transcript verifying the completion of nursing courses shall be submitted with the renewal, reactivation, or endorsement application.
 7. Having retaken and successfully completed the examination required in Rule .01 of this chapter.
- (d) Practical Nurses who have not practiced for more than five (5) years shall submit the appropriate application and one (1) of the following as evidence of continued nursing competence:
1. Proof of successful completion of five (5) contact hours of continuing education for each year of inactivity.

2. Proof of having had an article published during the period of inactivity in a professional journal acceptable to the Board.
 3. Proof of successful completion of a two (2) week Board-approved nursing refresher program.
 4. Proof of successful completion of a two (2) week Board-approved comprehensive orientation program offered by a prospective nursing employer.
 5. Proof of enrollment in an approved/accredited program leading to licensure as a Registered or Practical Nurse or to an advanced degree in nursing.
 - (i) The individual must have satisfactorily completed two (2) hours of nursing credits or equivalent during the past five (5) years.
 - (ii) An official transcript verifying the completion of nursing courses shall be submitted with the renewal, reactivation, or endorsement application.
 6. Proof of current certification in an appropriate nursing specialty area.
 7. Proof of retaking and successfully completing the examination required in Rule .01 of this chapter.
- (e) Documentation of compliance
1. Each licensee must retain documentation of completion of all continued competence requirements of this rule for a period of four (4) years from when the requirements were completed. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
 2. The licensee must, within thirty (30) days of a request from the Board, provide evidence of continued competence activities.
 3. Any licensee who fails to complete the continued competence activities or who falsely certifies completion of continued competence activities may be subject to disciplinary action pursuant to T.C.A. §§ 63—7—115, 63—7—116, 63—7—120, and 63—7—207.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-101, 63-7-108, 63-7-114, 63-7-115, 63-7-116, 63-7-120, and 63-7-207.

Legal Contact: John Fitzgerald, Special Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120 615-741-1611.

Contact for disk acquisition and/or party who will approve final copy for publication: Jerry Kosten, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Elizabeth Lund, Executive Director
Board of Nursing

The roll call vote by the Board of Nursing on these rulemaking hearing rules was as follows:

Board Members	Aye	No	Abstain	Absent
Colleen Conway-Welch, R.N.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Lynn Veirs, R.N.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Elizabeth Cole, R.N.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Donna Roddy, R.N.	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Dava Shoffner, R.N.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ava Morgan, L.P.N.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Barbara Wallace, L.P.N.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Vacant	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Vacant _____

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Nursing on the 6th day of December, 2000.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 9th day of June, 2000 and such notice of rulemaking hearing having been published in the July 14th, 2000 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 24th day of August, 2000.

Yarnell Beatty, Director
Health Related Boards

Subscribed and sworn to before me this the 7th day of December, 2000.

Notary Public

My commission expires on the 26th day of May, 2002.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the ____ day of _____, 200____, and will become effective on the ____ day of _____, 200____.

Riley C. Darnell
Secretary of State

By: _____

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